

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Robert T. McSweeney
Kristen A. McSweeney
Debtor(s)

Bankruptcy Case No.: 19-24867-CMB
Per January 27, 2020 Proceeding
Chapter: 13
Docket No.: 21 - 5
Concil. Conf.: June 25, 2020 at 10:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 23, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jun. 25, 2020 at 10:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest in monthly amount to be determined by Trustee: Santander Consumer (Cl #8).

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: February 3, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Robert T. McSweeney
 Kristen A. McSweeney
 Debtors

Case No. 19-24867-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: gamr
 Form ID: 149

Page 1 of 2
 Total Noticed: 38

Date Rcvd: Feb 03, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 05, 2020.

db/jdb
 15174883 +Robert T. McSweeney, Kristen A. McSweeney, 215 Partridge Run Road, Gibsonia, PA 15044-7925
 15174884 Aarons, Inc., 400 Galleria Pkwy SE STE 300, Atlanta, GA 30339-3182
 15174885 +AvanteUSA Ltd., 3600 South Gessner, Houston, TX 77063-5357
 15183610 +AvanteUSA Ltd., 3600 South Gessner Road, Suite 225, Houston, TX 77063-5357
 15174890 +CHRYSLER CAPITAL, P.O. BOX 961275, FORT WORTH, TX 76161-0275
 15174892 +Chase Auto Finance, P.O. Box 901003, Fort Worth, TX 76101-2003
 15174896 +Chrysler Capital, Po Box 961278, Fort Worth, TX 76161-0278
 15174898 +HUD, 451 Seventh Street SW, Washington, DC 20410-0002
 15174899 +Lendmark Financial Services, 1735 North Brown Road, Suite 300,
 Lawrenceville, GA 30043-8228
 15174900 +Mars Dental Specialists, 160 Brickyard Road, Mars, PA 16046-3070
 15174901 +Midland Mortgage Co, Attn: Customer Service/Bankruptcy, Po Box 26648,
 Oklahoma City, OK 73126-0648
 15174901 +Midland Mortgage Company, Pob 268959, Oklahoma City, OK 73126-8959
 15178977 +P.A.A.C. Transit Div., FCU, 219 Fort Pitt Blvd., Second Floor, Pittsburgh, PA 15222-1558
 15174906 +PAAC Trans Division FCU, 219 Fort Pitt Blvd, Pittsburgh, PA 15222-1559
 15174910 +Santander Consumer USA, Attn: Bankruptcy, 10-64-38-Fd7 601 Penn St,
 Reading, PA 19601-3544
 15174912 +Second Round, LP, Attn: Bankruptcy Dept, Po Box 41955, Austin, TX 78704-0033
 15174913 +Straka & McQuone Inc, 1099 Ohio river Boulevard, Sewickley, PA 15143-2081
 15177248 +U.S. Department of HUD, 100 Penn Square East 11th Floor, Philadelphia, PA 19107-3325

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

+E-mail/Text: kbarkley@bernsteinlaw.com Feb 04 2020 03:57:45 Duquesne Light Company,
 c/o Bernstein-Barkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 15174888 +E-mail/PDF: MerrickBKNotifications@Resurgent.com Feb 04 2020 03:54:17
 CC Holdings/CardMember Services, 101 Crossways Park Dr W, Woodbury, NY 11797-2020
 15174889 +E-mail/PDF: MerrickBKNotifications@Resurgent.com Feb 04 2020 03:54:22
 CC Holdings/CardMember Services, Attn: Card Services, Po Box 9201,
 Old Bethpage, NY 11804-9001
 15180990 E-mail/PDF: MerrickBKNotifications@Resurgent.com Feb 04 2020 03:52:49
 CW Nexus Credit Card Holdings 1, LLC, Resurgent Capital Services, PO Box 10368,
 Greenville, SC 29603-0368
 15174886 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Feb 04 2020 03:53:33 Capital One,
 Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 15174887 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Feb 04 2020 03:54:14 Capital One Bank,
 Po Box 30281, Salt Lake City, UT 84130-0281
 15176445 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Feb 04 2020 03:52:46
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083
 15174891 +E-mail/Text: bk.notifications@jpmchase.com Feb 04 2020 03:57:04 Chase Auto Finance,
 Attn: Bankruptcy, Po Box 901076, Fort Worth, TX 76101-2076
 15174893 E-mail/Text: documentfiling@lciinc.com Feb 04 2020 03:56:37
 Comcast Cable Communications LLC, PO Box 3001, Southeastern, PA 19398-3001
 15174894 +E-mail/PDF: creditonebknotifications@resurgent.com Feb 04 2020 03:53:37 Credit One Bank,
 Po Box 98872, Las Vegas, NV 89193-8872
 15174895 +E-mail/PDF: creditonebknotifications@resurgent.com Feb 04 2020 03:52:52 Credit One Bank,
 Attn: Bankruptcy Department, Po Box 98873, Las Vegas, NV 89193-8873
 15174897 E-mail/Text: ktramble@lendmarkfinancial.com Feb 04 2020 03:56:35
 Lendmark Financial Services, 2118 Usher St., Covington, GA 30014
 15185758 E-mail/PDF: resurgentbknotifications@resurgent.com Feb 04 2020 03:52:54 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15174902 +E-mail/PDF: pa_dc_claims@navient.com Feb 04 2020 03:52:52 Navient, Po Box 9635,
 Wilkes Barre, PA 18773-9635
 15174903 +E-mail/PDF: pa_dc_claims@navient.com Feb 04 2020 03:52:52 Naviet, Attn: Claims Dept,
 Po Box 9500, Wilkes-Barr, PA 18773-9500
 15174905 +E-mail/PDF: cbp@onemainfinancial.com Feb 04 2020 03:53:21 OneMain Financial,
 Attn: Bankruptcy, Po Box 3251, Evansville, IN 47731-3251
 15174904 +E-mail/PDF: cbp@onemainfinancial.com Feb 04 2020 03:53:19 OneMain Financial, Po Box 1010,
 Evansville, IN 47706-1010
 15174908 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 04 2020 03:52:48
 Portfolio Recovery, Attn: Bankruptcy, 120 Corporate Blvd, Norfolk, VA 23502
 15174909 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 04 2020 03:52:50
 Portfolio Recovery Associates, 120 Corporate Blvd Ste 100, Norfolk, VA 23502
 15183867 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 04 2020 03:54:18
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk, VA 23541

TOTAL: 20

District/off: 0315-2

User: gamr
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Page 2 of 2
Total Noticed: 38

Date Rcvd: Feb 03, 2020

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr MidFirst Bank
15178980* +P.A.A.C. Transit Div., FCU, 219 Fort Pitt Blvd., Second Floor, Pittsburgh, PA 15222-1558
15174907* +PAAC Trans Division FCU, 219 Fort Pitt Blvd, Pittsburgh, PA 15222-1559
15174911 ##+Second Round, LP, 4150 Freidrich Lane, Austin, TX 78744-1052

TOTALS: 1, * 2, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 05, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 3, 2020 at the address(es) listed below:

Christopher M. Frye on behalf of Joint Debtor Kristen A. McSweeney
chris.frye@steidl-steinberg.com,
julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo
ga@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-ste
inberg.com
Christopher M. Frye on behalf of Debtor Robert T. McSweeney chris.frye@steidl-steinberg.com,
julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo
ga@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-ste
inberg.com
James Warmbrodt on behalf of Creditor MidFirst Bank bkgroup@kmlawgroup.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6